

REMARKS/ARGUMENTS

These remarks are offered in response to the Office Action of February 5, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Office is expressly authorized to charge any deficiencies, or credit any overpayments to Deposit Account 50-0951.

Claims 1-6, 8-14, 16-17, 21-30, and 32-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,549,612 to Gifford, *et al.* (hereinafter Gifford), in view of U.S. Patent 6,857,008 to Shenefiel (hereinafter Shenefiel), and further in view of U.S. Patent 5,937,160 to Davis, *et al.* (hereinafter Davis). Claims 7, 15, and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gifford, in view of Shenefiel and Davis, and in further view of U.S. Patent 5,937,162 to Funk, *et al.* (hereinafter Funk). Claims 41-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,680,551 to Martino, II (hereinafter Martino), in view of Gifford and in further view of Davis. Claim 44 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gifford, in view of Shenefiel and Martino, and in further view of Davis.

Additionally, objections were raised with respect to Claims 38-40. Applicants have amended Claim 38-40 to overcome the rejections. Applicants thank the Examiner for pointing out the need for correction.

Applicants also have amended independent Claims 1, 10, 21, 30, 41, and 44 to further emphasize certain aspects of the invention. Applicants have cancelled herein Claims 2 and 22.

As discussed in the following section, the amendments are fully supported throughout the Specification. No new matter has been introduced by the amendments.

Aspects Of Applicants Invention

Prior to addressing the cited references, it may be useful to reiterate certain aspects of Applicants' invention. One embodiment of the invention, typified by Claim 1, as amended, is an e-mail communication method.

The method can include inserting a voice communications identifier in an e-mail message sent from a sender at a sending node to a recipient at a receiving node. The voice communications identifier can comprise a selectable symbol denoting voice communications availability to the recipient. (See, e.g., Specification, p. 9, lines 11-21.)

The method also can include embedding within the voice communications identifier an executable voice communications link program code. The program code can be configured to execute within the receiving node, execution of the program code establishing a voice communications link between the sending node and the receiving node. Moreover, the program code can comprise a binary representation of a compiled object. Additionally, the method can include transmitting the e-mail message to the recipient, and, in response to the recipient selecting the voice communications identifier, establishing the voice communications link between the sender and the recipient.

The method further can include inserting into the e-mail message a voice communications identifier comprising a plurality of selectable symbols if the e-mail message is sent to a plurality of recipients. Each symbol can uniquely correspond to one of the plurality of recipients and, moreover, communications with one or more recipients can be established by selecting one or more corresponding ones of the plurality of selectable symbols. (See, e.g., Specification, p. 5, line 9 – p. 6, line 2; p. 9, lines 11-21; and p. 13, lines 4-13.)

The Claims Define Over The Prior Art

As already noted, independent Claims 1, 10, 21, and 30 were each rejected as unpatentable over Gifford in view of Shenefiel and further in view of Davis. Gifford is directed to a method and system for providing "unified messaging services." (Col. 2, lines 30-33.) Shenefiel is directed to a technique for accessing by telephone an IP-based messaging server to manage electronically stored messages. (See, e.g., Col. 2, line 33 – Col. 3, line 20.) Davis is directed to a system and methods for revising a hypertext document stored within a network-connected server. (See, e.g., Col. 2, line 36 – Col. 3, line 10.)

Gifford is cited at page 5 of the Office Action as disclosing the step of inserting within an e-mail message a selectable symbol denoting communication availability. As recited in the claims, however, Applicants' invention provides a selectable symbol by which an e-mail message recipient can *establish* communications. Applicants respectfully maintain that Gifford does not provide any such selectable symbol, or icon, but merely provides a mechanism by which a system user accesses a server and *stored* voice, fax, or video messages.

Accessing a server or stored data is not at all comparable to establishing, by selecting a symbol or icon, a communications link. At best, Gifford provides "controls" by which a user can interact with a server. The server provides the communications function. Gifford, however, provides no selectable symbol or icon that in and of itself establishes the recipients voice communications link. Specifically, none of the references teaches or suggests a symbol or icon that causes the execution of code for establishing a voice communications link where the code is embedded in the message itself. Rather, Gifford merely provides interaction controls as part of an HTML, WML, or XML document. (See, Col. 6, lines 15-37.)

Gifford is further cited as disclosing embedding within a voice communications identifier an executable voice communications link program that when executed

establishes a voice communications link. Applicants strenuously maintain, however, that Gifford nowhere provides this feature. Instead, Gifford merely provides interaction controls as part of an HTML, WML, or XML document.

In portions cited in the Office action, Gifford provides:

"[I]nteraction controls are sent with the e-mail as part of an HTML, WML or XML document which is attached to the e-mail (e.g., as a MIME attachment) in the form of a graphical user interface. The actual voice, fax, or video message is preferably stored on the server computer until the user requests it. On the other hand, a message can be attached to the e-mail so that it is downloaded with the HTML or WML document to the subscriber's computer." (Col. 6, lines 30-37.)

Applicants insist that nothing in the quoted language speaks to an embedded, executable voice communications link program. Gifford's interaction controls are for accessing a server, not establishing a communications link independent of the server on which communications functions reside.

More fundamentally, the various languages described – HTML WML, and XML – pertain expressly to markup languages. Such languages merely combine text and extra information about the text such as information about the text's structure or presentation. Instructions or information pertaining to the structure or presentation of text, however, have nothing to do with embedded program code for establishing a voice communications link.

Gifford, as well as the other references, fails to provide selectable icons or symbols for causing the execution of message-embedded program code that establishes a voice communications link. This is made even more explicit when other, relevant language of Gifford is considered concerning how Gifford's system operates:

"1) When a caller leaves a voicemail message for the subscriber, the message is stored digitally on the computer(s) of the UC service provider.

2) The UC service provider then sends, via e-mail, a standard MIME encoded (or similar) document to the subscriber which contains at least one part. The first part is a standard HTML, WML or XML formatted document which contains interaction controls (e.g., URL links or form elements) linked backed to at least one server side program. When one of the interaction controls is selected, a message is sent back to the server causing the server to perform a corresponding one of the communication services. As described above, the MIME-encoded e-mail message also can contain, if the user prefers, the actual multimedia portion of the message attached as a separate MIME part to the e-mail so that the subscriber can listen to or view the message off-line (i.e., without a network connection).

3) Once the recipient receives the e-mail message and opens it, the recipient sees the graphical HTML, WML or XML attachment either directly in an e-mail client or in a Web Browser depending on the system configuration. Moreover, once the e-mail is opened, a communications connection (e.g., a Hyper Text Transfer Protocol (HTTP) connection) is established to an information server (e.g., a Web Server) which immediately loads images, data, or programs (like a Java applet or similar) necessary to construct the interface to be displayed. This interface may even provide current up-to-date information which is newer than the time and date the e-mail was originally constructed. The message identification (as well as other system

parameters needed to retrieve the message) is also contained in the MIME message.

4) After opening the e-mail message, the subscriber is presented with a graphical user interface which can (1) retrieve the subscriber's message and (2) coordinate other communication services. The interaction controls also can load information dynamically and automatically into the document once the e-mail is opened (i.e., without requiring explicit user action after opening the e-mail).

5) Once the subscriber is finished with the message, the subscriber may delete the message like any other e-mail message. However, if the subscriber chooses to keep the message in the e-mail client, the subscriber will still be able to see up-to-date information (e.g., like the status of an account) when the message is opened again. This occurs because all time sensitive information is loaded dynamically each time the e-mail message is opened." (Col. 6, line 43 – Col. 7, line 27.)

As the quoted language makes explicit, Gifford is directed to accessing stored data from a server. Nowhere is there provided by Gifford any selectable icons or symbols for causing the execution of message-embedded program code that establishes a voice communications link.

It follows, therefore, that Gifford and the other references likewise fail to teach or suggest that if a message is sent to a plurality of recipients, a voice communications identifier comprising a plurality of selectable symbols is inserted into the message, as recited in each of the amended independent claims. It further follows that none of the references teach or suggest that each symbol uniquely corresponds to one of the plurality

of recipients and that communications with one or more recipients can be established by selecting one or more corresponding ones of the plurality of selectable symbols.

Accordingly, alone and in combination, Gifford, Shenefiel, and Davis fail to teach or suggest every feature recited in amended Claims 1, 10, 21, and 30. Applicants respectfully submit, therefore, that Claims 1, 10, 21, and 30 as well as those claims that depend thereon define over the prior art.

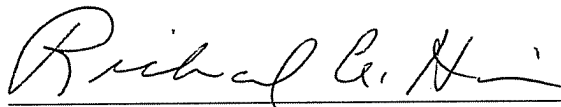
With respect to independent Claims 41 and 44, each recites those features recited in Claims 1, 10, 21, and 30. As already noted, none of the references teaches or suggests each of these features. Applicants respectfully submit, therefore, that Claims 41 and 44 as well as those claims depending thereon likewise define over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance. Allowance is therefore respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: May 7, 2007



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